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District Man Sentenced to 61 Years in Prison for Random Daylight Shooting of Unarmed Landscaper

WASHINGTON – Lankward Harrington, 25, was sentenced to 61 years in prison on January 28, 2010, by Superior Court Judge Geoffrey Alprin, in connection with the October 16, 2006, slaying of Jose Villatoro, announced U.S. Attorney Channing D. Phillips today. On October 6, 2009, a Superior Court jury convicted Harrington of Second Degree Murder While Armed and Possession of a Firearm During a Crime of Violence. Because of the nature of the crime, the sentence imposed by Judge Alprin was a significant departure above the sentencing range specified by the District of Columbia Voluntary Sentencing Guidelines.

Evidence introduced at trial established that on October 16, 2006, Jose Villatoro went to the Park Chester Apartments at the intersection of Martin Luther King Avenue and Pomeroy Road, SE, Washington, D.C., with a team of landscapers in connection with his employment with a Virginia landscaping company. At about 11:00 a.m., Mr. Villatoro was edging the grass in front of the apartment house, when the defendant approached Mr. Villatoro from behind and stood there for nearly a minute. The men had never met, but Mr. Villatoro noticed the defendant and turned to look at him. As Mr. Villatoro turned, the defendant shot at him four times, hitting him three times in the face and upper body. Mr. Villatoro did nothing to provoke the defendant and the defendant gave no warning before shooting. Mr. Villatoro collapsed to the sidewalk and died almost immediately.

When the defendant fired his gun, the Metropolitan Police Department's shot spotter system was activated; shot spotters are a series of directional microphones that are tuned to detect the sound of gunshots. At the same time, passengers who watched the shooting from a nearby Metrobus began calling 911. As a result of these multiple responses, the defendant was apprehended and arrested moments after the shooting, near the Anacostia Metro Station. The murder weapon was still in his possession.

At trial, the government established that earlier in the morning of the shooting, the defendant had been at his parents' home when he and his then-girlfriend got into an argument. The argument awoke the defendant's father, who kicked the defendant and his girlfriend out of

the home. Before leaving, the defendant put a .357 magnum revolver in a gym bag to bring with him. The defendant and his girlfriend went to the girlfriend's grandmother's house, where the defendant got into another altercation and was forcibly removed. Before leaving the grandmother's home the defendant made a point of grabbing his gym bag. Still angry from these incidents, the defendant then walked the three miles between the grandmother's home and the murder scene.

The defendant testified at trial, fully confessing to the murder. He testified that he shot Mr. Villatoro because some of the grass clippings from Mr. Villatoro's edge clipper landed on him. In chilling detail, the defendant described how he waited for Mr. Villatoro to look at him before shooting so that he could see Mr. Villatoro's eyes before firing.

The jury returned its verdict in under 25 minutes.

The October 2009, verdict came in the wake of a mistrial declared in an earlier trial in October and November 2008. The defendant originally was charged with First Degree Murder While Armed and related weapons offenses. In the first trial, the defendant claimed an insanity defense. However, the United States developed substantial evidence that the defendant was intoxicated on PCP, or a similar drug, at the time of the offense. The 2008 jury acquitted the defendant of First Degree Murder, convicted him of two weapons charges and could not reach a decision on Second Degree Murder. Prior to the start of the second trial, two of the defendant's mental health experts changed their opinion and concluded that the defendant was criminally responsible. The defendant subsequently waived the insanity defense and elected to proceed to trial on the merits.

At sentencing, Mr. Villatoro's children provided written statements in which they described how they missed their father and how they wanted the defendant placed behind bars for a very long time. Mr. Villatoro's employer provided a written statement in which he praised Mr. Villatoro's skill and dedication to his job and requested a lengthy sentence. Mr. Villatoro's widow tearfully described how the defendant had taken her husband and best friend, and left her alone to raise their children. In sentencing the defendant to 61 years in jail, Judge Alprin described the defendant's conduct as "inexplicable" and described the testimony of the defendant at trial as "chilling." In addition to the substantial sentence imposed by Judge Alprin, the defendant was on probation for a previous weapons conviction at the time of the offense, and is scheduled to be resentenced in that matter on February 18, 2010, by the Honorable Ann O'Regan Keary.

In announcing the sentence, U.S. Attorney Phillips praised Metropolitan Police Detectives Brett Smith, Mike Fulton and Elbert Griffin, who investigated the shooting, and Detectives Oliver Harvey and Rita McCoy, who provided invaluable witness assistance during both trials. U.S. Attorney Phillips also commended Sgt. Jon Podorski and Office Tracie Cannon, who arrested the defendant on the scene, evidence technicians James Holder, Charles Egan, Jay Gregory and John Holder, who collected crucial physical evidence in the case, and Sgt. Doug Jones, who was responsible for implementing the shot spotter program in D.C. and was on duty when the call came in for the Villatoro shooting. U.S. Attorney Phillips further praised several U.S. Attorney's Office personnel, including Paralegal Debra Joyner and Marian Russell, who provided critical support work during the investigation, the Litigation Support Unit, who

prepared numerous trial exhibits, Victim Advocate Yvonne Bryant, who worked closely with the victim's family throughout the proceedings, and Assistant U.S. Attorneys Steven B. Snyder and Michael T. Ambrosino, who investigated and tried the case.

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